

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HDMI LICENSING ADMINISTRATOR,
INC., a Delaware limited liability company,) Case No.: 2:18-cv-00041-APG-NJK
Plaintiff,)
v.) **PRELIMINARY INJUNCTION**
BBEN INTELLIGENT TECHNOLOGY)
INC., a Chinese company,) (ECF NO. 4)
Defendant.)

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff HDMI Licensing Administrator, Inc. (“HDMI LA”) filed an Emergency Motion for *Ex Parte* Temporary Restraining Order, Seizure Order, and Preliminary Injunction against BBEN Intelligent Technology Inc. (“BBEN”). ECF No. 4. HDMI alleged that BBEN has made, imported into the United States, sold, offered to sell, distributed, promoted, and/or advertised at the International Consumer Electronics show (“CES”) in Las Vegas, Nevada, consumer electronics products bearing HDMI LA’s registered federal trademarks (“HDMI Trademarks”).

On January 9, 2018, I entered the Temporary Restraining Order and Seizure Order. ECF No. 7. HDMI LA deposited \$10,000 as security for the TRO (ECF No. 10); caused the complaint, motion papers, and the TRO to be personally served on BBEN's representatives at its booth at the CES show; and seized evidence of infringements from BBEN's booth at the CES show. I conducted a telephonic hearing with the parties' respective counsel while HDMI LA was executing upon my order. ECF NO. 22. HDMI LA thereafter filed a supplement to the Motion for Preliminary Injunction. I directed BBEN to file and serve an opposition to HDMI LA's motion for a preliminary injunction by January 30, 2018, and to appear for a preliminary injunction hearing. ECF No. 13. No

1 opposition was filed and BBEN did not appear at the injunction hearing, which was
2 conducted on February 6, 2018.

3 I have considered HDMI LA's motion and supplement and the supporting
4 declarations and exhibits, as well as the statements made by counsel during the telephonic
5 hearing and at the injunction hearing. I hereby enter the following findings and conclusions:

6 1. HDMI LA is likely to succeed on the merits of its trademark infringement
7 and trademark counterfeiting claims. HDMI LA is likely to succeed in showing that the
8 HDMI Trademarks are owned by HDMI LA, are valid and enforceable, and that BBEN has
9 imported into the United States, sold, offered to sell, distributed, promoted, and/or
10 advertised products bearing the HDMI Trademarks.

11 2. It appears that BBEN is a China-based manufacturer of consumer electronic
12 products that, with the exception of its temporary presence in Las Vegas during the CES
13 show, does not have a regular place of business or assets in the United States. HDMI LA
14 has notified BBEN of the potential for this action in written communications prior to the
15 beginning of CES in the event BBEN imported, displayed, advertised, or offered to sell
16 products bearing HDMI Trademarks at CES without permission from HDMI LA.

17 3. Absent an injunction pending trial on the merits, BBEN's importation, sale,
18 and/or offers to sell its products will result in immediate and irreparable injury to HDMI LA
19 in the form of loss of control over its valuable intellectual property rights, loss of consumer
20 goodwill, and interference with HDMI LA's ability to exploit the HDMI Trademarks.
21 Further, because BBEN has no presence in the United States, it may be difficult or
22 impossible for HDMI LA to recover a money judgment against BBEN.

23 4. The harm to HDMI LA in denying the requested preliminary injunction
24 outweighs the harm to the legitimate interests of BBEN from granting such relief.

25 5. The public interest weighs in favor of granting HDMI LA the requested
26 preliminary injunction because this relief will promote an intellectual property system
27 where rights can be effectively enforced and will protect the public from consumer
28 confusion.

1 6. The \$10,000 deposit posted by HDMI LA is sufficient security.

2 **PRELIMINARY INJUNCTION**

3 IT IS THEREFORE ORDERED that, pending trial on the merits or further order
4 from this court, BBEN and its officers, agents, servants, employees, and attorneys, and all
5 other persons acting in active concert or participation with any of them, are hereby enjoined
6 from making, using, selling, offering to sell, and/or importing into the United States any and
7 all products bearing the HDMI Trademarks, either on its packaging, websites, marketplace
8 listings or displayed during the product's use, such as on a computer screen.

9 DATED this 7th day of February, 2018.

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12 Andrew P. Gordon
13 UNITED STATES DISTRICT JUDGE